IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

THURSDAY, THE 13TH SEPTEMBER 2007 / 22ND BHADRA 1929

WP(C).No. 18535 of 2007(F)

PETITIONER:

P.P.RAVI, SENIOR ART INSTRUCTOR,
COLLEGE OF FINE ARTS, THRISSUR.

BY ADV. SRI.M.CHATHUKUTTY NAMBIAR

RESPONDENTS:

1. DIRECTOR OF TECHNICAL EDUCATION,
   DEPARTMENT OF TECHNICAL EDUCATION.

2. THE GOVERNMENT OF KERALA REPRESENTED
   BY THE PRINCIPLE SECRETARY, DEPARTMENT OF
   HIGHER EDUCATION, SECRETARIAT, TRIVANDRUM.

BY GOVERNMENT PLEADER SHRI.T.T.MUHAMOOD.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 13/09/2007, THE COURT ON 13/09/2007 DELIVERED THE FOLLOWING:

W.P(C).No.18535/07.

APPENDIX

PETITIONER'S EXHIBITS:

P1. COPY OF THE APPOINTMENT ORDER DTD.18.3.80.

P2. COPY OF THE PROMOTION ORDER DTD.12.11.86.

P3. COPY OF THE ORDER OF SANCTION OF HIGHER GRADE DTD.16.7.01.

P4. COPY OF THE RECOMMENDATION LETTER DTD.19.10.02.

P5. COPY OF THE DIPLOMA CERTIFICATE.

P6. COPY OF THE SPECIAL RULES.

P7. COPY OF THE ORDER UPGRADING THE FINE ARTS INSTITUTE AS COLLEGE DTD.4.12.98.

Sdk+

///True copy///

P.A. to Judge.

S.SIRI JAGAN, J.

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W.P.(C).No.18535 of 2007

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Dated this the 13th day of September, 2007

J U D G M E N T

The petitioner herein is a Senior Art Instructor in the College of Fine Arts, Thrissur. The next promotion post available to the petitioner is Superintendent. The petitioner submits that a permanent post of Superintendent fell vacant on 1.6.2007 due to retirement of K.S.Mohanan. The complaint of the petitioner is that although the petitioner is fully qualified to hold the post of Superintendent as per Ext.P6 Special Rules, the petitioner is not being promoted to that post. The petitioner seeks a direction to the respondents to promote the petitioner in the post of Superintendent.

2. The 1st respondent has filed a counter affidavit, in which it is stated that in the College of Fine Arts, Thrissur, the designated posts are Lecturer, Professor Grade II, Professor etc. Equivalent staff pattern except the post of Principal and Lecturer

has not yet been introduced in the College of Fine Arts at Mavelikkara and Thrissur. Originally these colleges were Raja Ravi Varma Fine Arts Institute, Mavelikkara and Fine Arts Institute Thrissur, which were upgraded as Fine Arts Colleges. A proposal has been submitted for abolition of the post of Superintendent now existing at Raja Ravi Varma College of Fine Arts, Mavelikkara and College of Fine Arts, Thrissur. The case of the 1st respondent is that pending abolition of the post, the respondents have decided not to fill up the post which became vacant on 1.6.2007, when the incumbent in the post retired from service. The facts being so, I do not think that the petitioner can seek a direction to promote him as Superintendent, unless of course, he has a case that the respondents are filling up the posts of Superintendent by appointing somebody junior to the petitioner. The petitioner has no such case. That being so, I am not inclined to entertain the prayers in the writ petition. The petitioner also stakes a claim for promotion to the post of principal. Of course the petitioner has no case that the post of Principal has become vacant or that anybody less qualified than the petitioner is being appointed to that post. Further Ext.P6

produced by the petitioner which is the Special Rules applicable, stipulates that the post of Principal is to be filled up by promotion from the category of Professor. The petitioner has no case that the petitioner is a professor. In the above circumstances, there is no merit in this writ petition and accordingly the same is dismissed.

Sd/-

sdk+ S.SIRI JAGAN, JUDGE

///True copy///

P.A. to Judge.